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JOINT LEGISLATIVE COMMISSION

ON MUNICIPAL INCORPORATIONS

REPORT TO THE

GENERAL ASSEMBLY

OF NORTH CAROLINA

Town of Mineral Springs

March 25, 1999

REPORT TO THE GENERAL ASSEMBLY
PROPOSED INCORPORATION OF THE
TOWN OF MINERAL SPRINGS
MARCH 25, 1998 9

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

The criteria includes specifics as to community support. (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

During the current review cycle, the Commission on October 29, 1998 received a petition proposing the incorporation of the Town of Mineral Springs in Union County. A copy of the petition is attached as Appendix C.

Upon receiving the petition, the Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-161. The Division made the evaluation (a copy of which is attached as Appendix D), and based on that evaluation, the Commission on January 28, 1999 found that the preliminary requirements of G.S. 120-163 and G.S. 120-164 had been met.

The Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-167 through G.S. 120-170. The Division made the evaluation (a copy of which is attached as Appendix E), and found that the statutory requirements had been met, except G.S. 120-168, "Additional criteria; development". The Division found that 24 percent of the subject area rather than the 40 percent required in the statute is developed.

On March 19, 1999, the Commission held a public hearing on the incorporation of Mineral Springs in Midland, North Carolina. Six persons spoke in favor of incorporation and two spoke in opposition.

The Commission finds that the proposed Town of Mineral Springs does not meet the standards required by Article 20 of Chapter 160A of the General Statutes, and therefore does not recommend the incorporation of the area as the Town of Mineral Springs. The Commission requests that the Division of Community Assistance of the Department of Commerce review the petition submitted by the proposed Town of Mineral Springs to determine: (1) what is the appropriate

standard for development under G.S. 120-168 given the fact that the petition was submitted prior to November 1, 1998; and (2) what is the level of development using the standard that was in effect prior to November 1, 1998. The Commission further finds that if, using the standard in effect prior to November 1, 1998, the subject area was at least 40 percent developed, the Commission would have found that the proposed Town met the standards required by Article 20 of Chapter 160A of the General Statutes.

APPENDIX A

JOINT LEGISLATIVE COMMISSION ON
MUNICIPAL INCORPORATIONS
1997-1999
Membership

Pro Tem's Appointments

The Honorable Wib Gulley
PO Box 3573
Durham, NC 27702

The Honorable Fletcher L. Hartsell, Jr.
PO Box 368
Concord, NC 28026

Mr. Ronald R. Kimble, Manager
City of Greenville
PO Box 7207
Greenville, NC 27835

Staff
Gerry Cohen
Bill Drafting Division
(919 733-6660

Gayle Moses
Bill Drafting Division
(919) 733-6660

Speaker's Appointments

The Honorable Cary D. Allred
4307 Sartin Road
Burlington, NC 27217

The Honorable J. Samuel Ellis
3513 Auburn-Knightdale Road
Raleigh, NC 27610

Mr. Jerry Ayscue
Vance County Manager
Vance County Courthouse
Young Street
Henderson, NC 27536

Clerk
Carol Resar
408 LOB
(919) 715-3036

APPENDIX B

ARTICLE 20.
Joint Legislative Commission on Municipal Incorporations.
Part 1. Organization.

§ 120-158. Creation of Commission.

(a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as "Commission".

(b) The Commission shall consist of six members, appointed as follows:

(1) Two Senators appointed by the President Pro Tempore of the Senate;

(2) Two House members appointed by the Speaker;

(3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and

(4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.

§120-159. Terms.

Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term.

§120-160. Compensation.

Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

§ 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be

provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.

§120-162. Reserved for future codification purposes.

PART 2. Procedure for Incorporation Review.

§120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session.

§120-164. Notification.

(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

(1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;

(2) All cities within that county or counties; and

(3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.

§120-165. Initial inquiry.

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part.

***** § 120-166. Additional criteria; nearness to another municipality.**

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

(1) The proposed municipality is entirely on an island that the nearby city is not on;

(2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by

the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;

(3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or

(4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.

*** The 1998 amendment, effective Novembler 1, 1998, rewrote subdivision (b)(3), which formerly read "The nearby municipality by resolution expresses its approval of the incorporation; or". The amendment is applicable to annexations for which the resolution of intent is adopted on or after November 1, 1998, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that effective date.

§120-167. Additional criteria; population.

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100.

§120-168. Additional criteria; development.

Except when the entire proposed municipality is within two miles of the Atlantic Ocean, Albemarle Sound, or Pamlico Sound, the Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.

§120-169. Additional criteria; area unincorporated.

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1).

*** § 120-169.1. Additional criteria; level of development, services.

(a) Level of Development. -- The Commission may not make a positive recommendation unless the entire area proposed for incorporation meets the applicable criteria for development under G.S. 160A-36(c) or G.S. 160A-48(c).

(b) Services. -- The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. To meet the requirements of this subsection, the persons submitting the plan for incorporation must propose to provide at least two of the following services:

(1) Police protection.
(2) Fire protection.
(3) Garbage and refuse collection or disposal.
(4) Water distribution.
(5) Sewer collection or disposal.
(6) Street maintenance, construction, or right-of-way acquisition.
(7) Street lighting.
(8) Adoption of citywide planning and zoning.

*** This section becomes effective November 1, 1998, is applicable to annexations for which the resolution of intent is adopted on or after that date, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that date.

§120-170. Findings as to services.

The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided.

§120-171. Procedures if findings made.

(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly. The report to the General Assembly shall list the grounds on which a negative recommendation is made, along

with specific findings. If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly.

§120-172. Referendum.

Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum.

§120-173. Modification of petition.

With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas.

§120-174. Deadline for recommendations.

If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition.

§120-175 through 120-179: Reserved for future codification purposes.

Mineral Springs:

A fine community today. . .
Our hometown tomorrow

CONTENTS

Introduction: Rationale and Objectives
History of Mineral Springs
Map 1: Area Map
Map 2: Proposed Corporate Boundary - Road Map
Map 3: Proposed Corporate Boundary - Tax Maps
Charter of Town of Mineral Springs
Statement of Town Statistics
Statement of Services
Registered Voters Certification
Petition Signature Certifications
Resolution of Approval: Union County
Resolutions of Approval: Neighboring Municipalities
    Marvin
    Wesley Chapel
Affidavit of Publication: Intention to Present Petition
Required Notifications to County and Municipal Officials

INTRODUCTION:

RATIONALE AND OBJECTIVES

The following documents are presented to the distinguished members of our North Carolina Legislature in a spirit of cooperation with that body as well as with the many members of this community who have enthusiastically embraced this endeavor and eagerly await a positive response to a truly cooperative community effort. Some factors contributing to the decision to seek the Legislature's approval for incorporation of the **Town of Mineral Springs** are:

- The community of Mineral Springs has existed in one form or another since the early eighteen hundreds, if not earlier. It is the community's desire to preserve its identity as an historic entity and its proud heritage of service to its residents and residents of the surrounding areas.

- The recent phenomenon of very rapid growth in and around the Mineral Springs community has created the urgent need for a means to ensure the orderliness of, and control over, this growth so that the area's high livability and property value may be preserved.

- Members of the community have concluded that the best, and perhaps the only, way to respond to these circumstances is through a local municipal body.

- Due to the uniqueness of this area, joining with any of the surrounding towns would not be practical or desirable.

- Mineral Springs already has many of the makings of a town: a strong residential base, a school, several churches, a post office, a fire station, a downtown business district, manufacturing facilities, farms, and an emerging recreational presence in the form of a golf course and a first class steeplechase facility.

- The number of volunteers who have worked tirelessly to transform this vision into reality illustrates that there is no shortage of commitment and leadership ability within the community.

- Finally, and most importantly: the majority of the population of Mineral Springs is solidly in favor of making this area an "official" legally incorporated town.

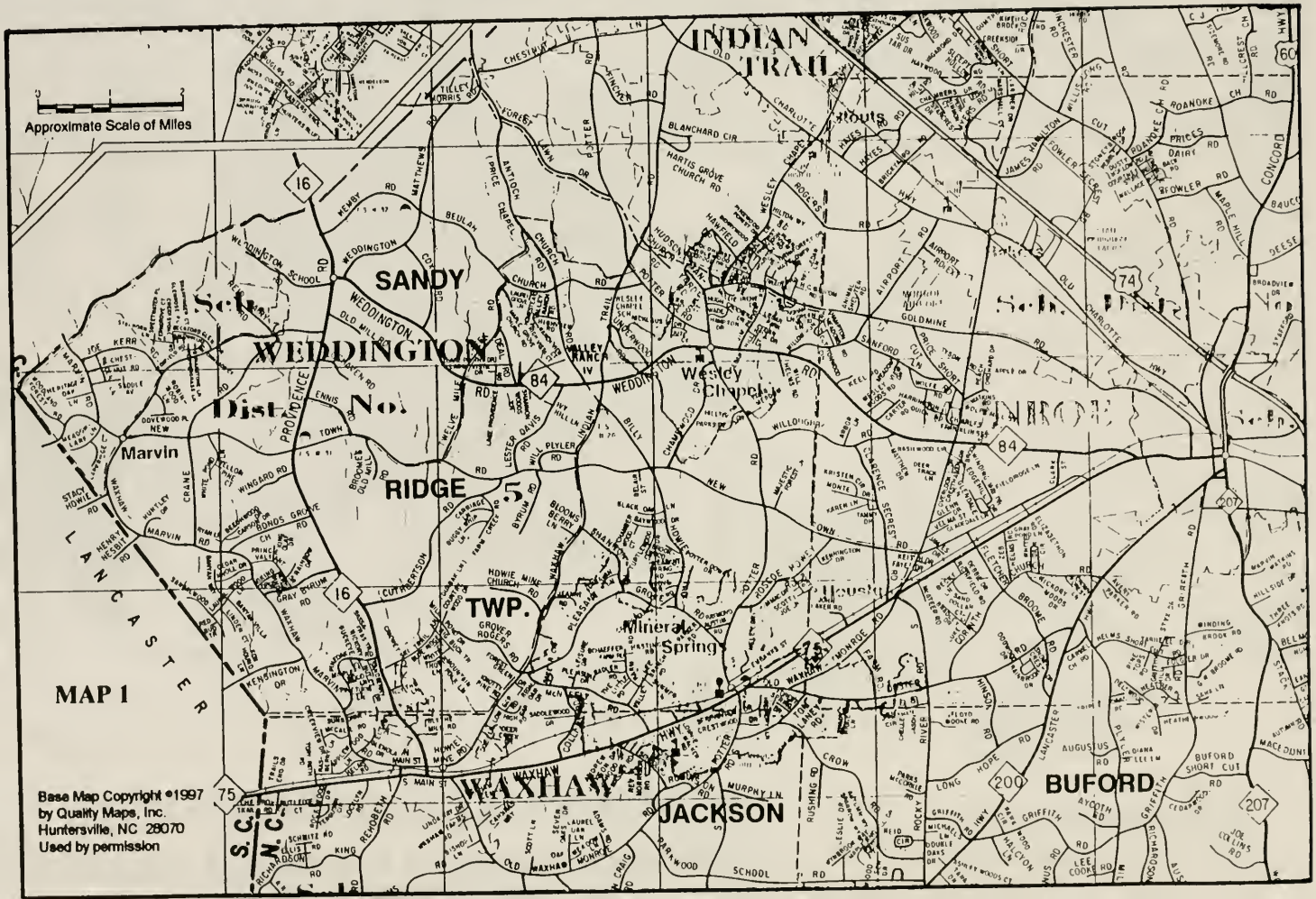
HISTORY OF MINERAL SPRINGS

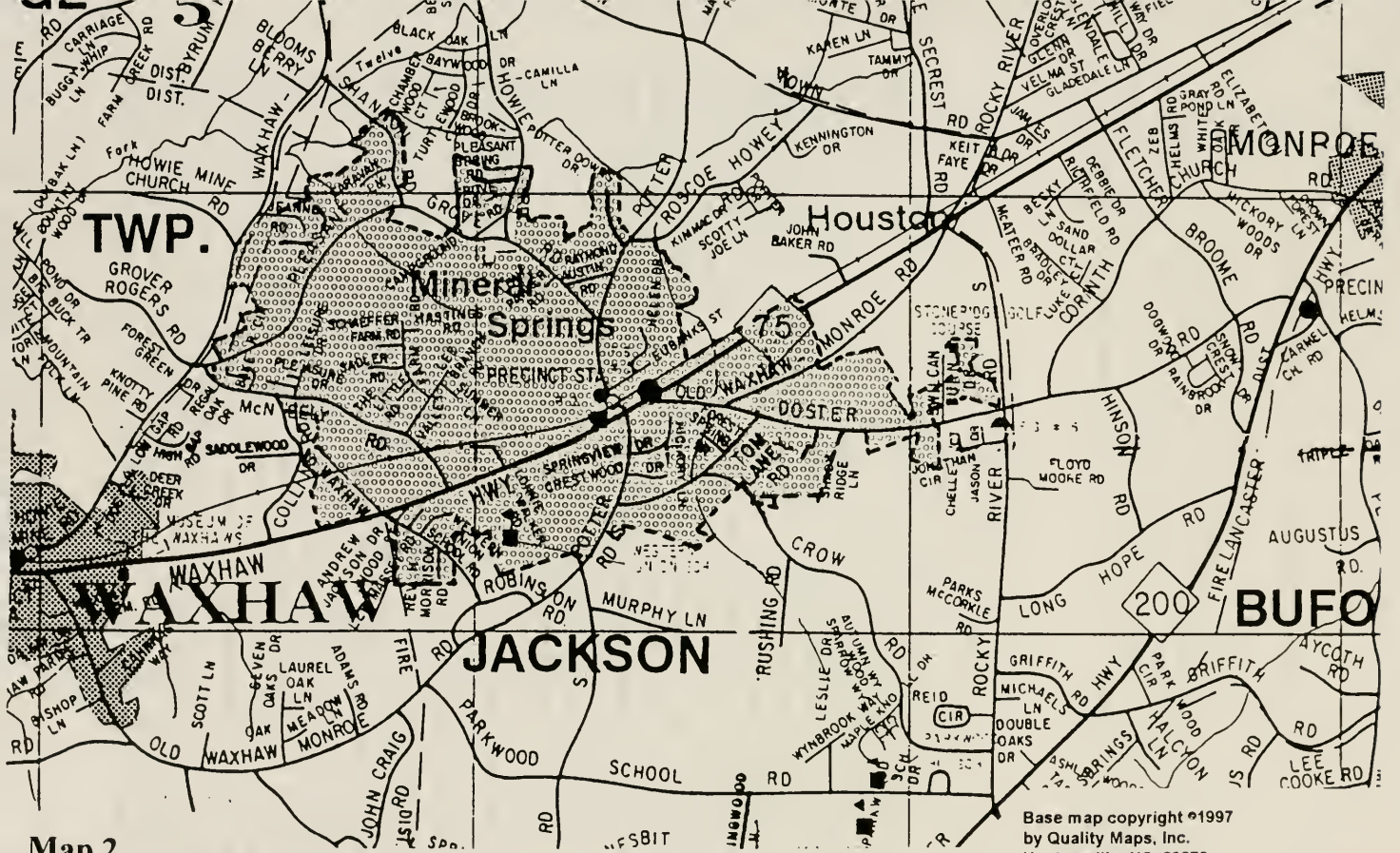
The early beginnings of Mineral Springs can be traced back to pre-Revolutionary War times, with the establishment of Potter Road by the British general of the same name. With its abundance of springs and creeks, the area was ideally suited to the farming which is still practiced today. The Pleasant Grove Campground was established in 1828, solidifying the community's strong commitment to worship. This Methodist meeting place still exists today and has continued to conduct services and annual retreats since its founding. Just before 1900 railroad service began through Mineral Springs, crossing Potter Road at what would become the center of town. Mineral Springs finally had true nationwide transportation access! While the rail line no longer carries passengers, it remains an active freight line with many fully loaded trains traveling through town daily.

Mineral Springs continued to grow throughout the early part of the twentieth century. It was first incorporated during that time, although the town's charter would later be allowed to lapse. Stephenson Street, the main east-west street through town, grew from a dirt farm road to become today's Highway 75. This road links Monroe to Waxhaw, continuing west into South Carolina. A small "downtown" began to emerge, consisting of homes, business and retail establishments, churches, the Springs Volunteer Fire Department, the Mineral Springs Post Office (28108), and the first stoplight on Highway 75 outside of Monroe. The Mineral Springs School opened near the center of town early in the century and educated generations of area residents. Later, the Western Union School was established as a high school; Western Union has since become a fine elementary school which serves the entire Mineral Springs community. The original Mineral Springs School fell into disuse and disrepair and was razed in 1993.

As the portions of Union County closest to Charlotte have in recent times given up their farms and small communities for commuter subdivisions and suburban shopping centers, Mineral Springs has remained true to the community's roots. Members of families that have lived here for generations still call Mineral Springs home, local farms still produce crops, poultry, and livestock, small businesses have flourished, and this close-knit community can still proudly call itself "rural".

Overview of Proposed Town of Mineral Springs
In Relation to Surrounding Area





Map 2

Base map copyright ©1997
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TOWN OF MINERAL SPRINGS

Proposed Corporate Boundary (10/1/98)

0 1 2

Approximate Scale of Miles

CHARTER OF TOWN OF MINERAL SPRINGS

CHAPTER I.
INCORPORATION AND CORPORATE POWERS.

Section 1-1. Incorporation and Corporate Powers. The inhabitants of the Town of **Mineral Springs**, which area is described in Section 2.1 of this Charter, are a body corporate and politic under the name **"Town of Mineral Springs"**. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

CHAPTER II.
CORPORATE BOUNDARIES.

Section 2-1. Town Boundaries. Until modified in accordance with the law, the boundaries of the Town of **Mineral Springs** are as follows:

BEGINNING at a point in the southern boundary of Waxhaw Highway (State Highway 75) at its intersection with the southwestern boundary of Western Union School Road (SR1143); thence westerly with the southern boundary of Waxhaw Highway approximately 2,270 feet to its intersection with the southerly extension of the western property boundary line of parcel 001 as shown on tax map 5-030; thence northerly with said property boundary line approximately 1,620 feet to the northern boundary of the S.A.R.R. right-of-way; thence easterly with said boundary approximately 92 feet to its intersection with the western property boundary line of parcel 012D as shown on tax map 6-084; thence northerly then northeasterly and then northwesterly with said parcel to a point being the southeastern corner of parcel 012E as shown on tax map 6-084; thence westerly then northerly and then northwesterly with said parcel until it intersects the eastern boundary of Collins Road (SR1326); thence northeasterly approximately 890 feet with said boundary to its intersection with the southeastern property boundary line of parcel 008 as shown on tax map 6-084; thence northeasterly approximately 1,504 feet, then northerly approximately 475 feet, and then westerly approximately 1,146 feet with said parcel to a point in the western boundary of Collins Road (SR1326); thence with the western boundary of Collins Road in a northerly direction to its intersection with the southern boundary of McNeely Road (SR1325); thence with the southern boundary of McNeely Road in a westerly direction to its intersection with the southerly extension of the western property boundary line of parcel 002A as shown on tax map 6-084; thence northerly approximately 260 feet with said property boundary line to its intersection with the southwestern corner of parcel 002 as shown on tax map 6-084; thence northerly approximately 260 feet with the western boundary of said parcel to its intersection with the northern boundary of Pleasant Grove Road (SR1327); thence with the northern boundary of Pleasant Grove Road in an easterly direction approximately 300 feet to its intersection with the western property boundary line of parcel 008A as shown on tax map 6-081; thence northerly with said property boundary line approximately 730 feet to the southwestern corner of parcel 007 as shown on tax map 6-081; thence easterly approximately 1377 feet, then northerly approximately 620 feet with said parcel to a point in the southern property boundary of parcel 001 as shown on tax map 6-081; thence easterly approximately 683 feet, then northerly approximately 295 feet, then northerly

approximately 798 feet, and then westerly approximately 857 feet with said parcel to a point in the western boundary of Waxhaw-Indian Trail Road (SR1008); thence with the western boundary of Waxhaw-Indian Trail Road in a northerly direction approximately 2,475 feet to its intersection with the western extension of the northern boundary of Jeanne Drive (private road); thence easterly approximately 825 feet with said road boundary to its intersection with the northwestern property boundary line of parcel 015C as shown on tax map 6-081; thence northeasterly with said property boundary line approximately 1,646 feet to the eastern corner of parcel 016 as shown on tax map 6-081; thence easterly with the northwestern boundary of said parcel to its intersection with the Bates Branch, being the western boundary of parcel 001B as shown on tax map 6-054; thence following the branch along said boundary in a northerly then an easterly direction to the northeast corner of said parcel; thence southeasterly with said parcel approximately 190 feet to a point, being the western corners of parcels 013 and 014 as shown on tax map 6-054; thence along the southeastern property boundary line of parcel 047 as shown on tax map 6-054 as follows: northeasterly approximately 1,105 feet, then northeasterly approximately 450 feet, then westerly approximately 450 feet, then northeasterly approximately 450 feet, then northwesterly approximately 20 feet, and then northeasterly approximately 550 feet to a point in the centerline of Shannon Road (SR 1328) where said centerline intersects the southwesterly extension of the western boundary of parcel 055 as shown on tax map 6-054; thence northeasterly approximately 625 feet, then easterly approximately 580 feet with said parcel until it intersects with the northernmost corner of parcel 048 as shown on tax map 6-054; thence with said parcel as follows: southerly approximately 627 feet, then easterly approximately 196 feet, then southerly approximately 1,093 feet, then southerly approximately 565 feet, then southwesterly approximately 394 feet, then southeasterly with the northeastern boundary of Shannon Road (SR1328) approximately 550 feet to its intersection with the northern boundary of Pleasant Grove Road (SR1327), then continuing in the same direction across Pleasant Grove Road, then southwesterly with the southeastern boundary of Pleasant Grove Road approximately 215 feet, then southwesterly approximately 550 feet, then southeasterly approximately 1,691 feet, then northeasterly approximately 728 feet, then southeasterly with the northern boundary of Pleasant Grove Road approximately 860 feet, then southeasterly approximately 130 feet, then northerly approximately 1,050 feet, and then northerly approximately 1,105 feet to the westernmost corner property boundary of parcel 051 as shown on tax map 6-054; thence with said parcel southeasterly approximately 1,325 feet, then easterly approximately 895 feet to a point in the western property boundary line of parcel 001A as shown on tax map 6-033; thence with said parcel as follows: southerly approximately 1,300 feet, then northeasterly approximately 482 feet, then southeasterly approximately 244 feet, then northeasterly approximately 386 feet, then easterly approximately 27 feet, then easterly approximately 992 feet, then southerly approximately 668 feet, then westerly approximately 25 feet, then southwesterly approximately 127 feet, and then northeasterly approximately 1,218 feet to a point in an unnamed branch of Little Twelvemile Creek; then meandering northerly with said branch approximately 1,700 feet to the southwest corner property boundary of parcel 054 as shown on tax map 6-036; thence northeasterly with the western property boundary line of parcel 054, then northeasterly with the northwestern property boundary line of parcel 055,

then easterly with the northern property boundary line of parcel 056, then southeasterly with the northeastern property boundary line of parcel 057, then southerly with the eastern property boundary line of parcel 058, then southwesterly with the eastern property boundary line of parcels 059 through 060, then southerly with the eastern property boundary line of parcels 061 through 068, then southeasterly with the northeastern property boundary line of parcels 069 through 074, and then southeasterly with the northeastern property boundary line of parcel 075 to its intersection with the northwestern boundary of Potter Road (SR1162), the aforementioned parcels 054 through 075 inclusive as shown on tax map 6-036; thence northeasterly along the northwestern boundary of Potter Road approximately 65 feet to the intersection of the extension of the southern boundary of Roscoe Howey Road (SR1332); thence easterly along the southern boundary of Roscoe Howey Road approximately 890 feet to the intersection with the Little Twelvemile Creek; thence generally southeasterly with the Little Twelvemile Creek as it forms the western boundary of parcel 2A as shown on tax map 6-015 to its intersection with the northern property boundary line of parcel 025 as shown on tax map 6-015; thence with said parcel southwesterly approximately 660 feet, then southerly approximately 1,950 feet to the intersection of its western property boundary line with the northern boundary of the S. A. R. R. right-of-way; thence northeasterly with the northern boundary of the S. A. R. R. right-of-way approximately 3,990 feet to its intersection with the western property boundary line of parcel 003 as shown on tax map 9-429; thence with said parcel northeasterly approximately 295 feet, then southeasterly approximately 970 feet, then southerly approximately 1,155 feet, then southwesterly approximately 106 feet, then southerly approximately 810 feet to the intersection of the southern extension of its eastern property boundary line with the southern boundary of Old Waxhaw-Monroe Road (SR1150); thence southwesterly with the southern boundary of Old Waxhaw-Monroe Road approximately 265 feet to its intersection with the property boundary line of parcel 001B as shown on tax map 9-417; thence with said parcel southeasterly approximately 130 feet, then northeasterly approximately 809 feet, then northeasterly approximately 628 feet, then easterly approximately 307 feet, then northwesterly approximately 169 feet, then northeasterly approximately 134 feet, then southeasterly approximately 830 feet, then southeasterly approximately 658 feet, then southwesterly approximately 294 feet, then southeasterly approximately 866 feet, then southerly approximately 221 feet, then southerly approximately 109 feet, then southeasterly approximately 237 feet, then southerly approximately 49 feet, then easterly approximately 193 feet, then northerly approximately 894 feet, then northeasterly approximately 606 feet, then southeasterly approximately 129 feet, then southeasterly approximately 120 feet, then northeasterly approximately 1,428 feet, then northerly approximately 661 feet, then northwesterly approximately 320 feet, then northwesterly approximately 140 feet, then northeasterly approximately 286 feet, then easterly approximately 967 feet, then southerly approximately 568 feet, then southwesterly approximately 112 feet, then southwesterly approximately 259 feet, then southerly approximately 561 feet, then southeasterly approximately 734 feet, then southeasterly approximately 597 feet, then southerly approximately 1 foot, then southerly approximately 138 feet, then westerly approximately 165 feet, then northwesterly approximately 118 feet, then northwesterly approximately 82 feet, then northwesterly approximately 998 feet, then westerly approximately 1,277 feet,

then southerly approximately 589 feet to the intersection of the property boundary line with the northern boundary of Doster Road (SR1149), then with the northern boundary of Doster Road easterly approximately 145 feet to its intersection with the northern extension of the eastern property boundary line, then southerly approximately 1,576 feet, then northeasterly approximately 1,066 feet, then northeasterly approximately 780 feet, then northerly approximately 207 feet, then southwesterly approximately 555 feet, then southwesterly approximately 1,350 feet, and then northerly approximately 510 feet to the intersection of the property boundary line with the southern boundary of Doster Road; thence westerly with the southern boundary of Doster Road approximately 690 feet to its intersection with the western property boundary line of parcel 001 as shown on tax map 9-417; thence with said parcel southwesterly approximately 2,455 feet, and then westerly approximately 1,960 feet to the intersection of the property boundary line with the eastern property boundary line of parcel 43 as shown on tax map 6-018; thence with said parcel southerly approximately 820 feet, then northwesterly approximately 475 feet to the intersection of the property boundary line with the northern boundary of Crow Road (SR1147), then northwesterly with the northern boundary of Crow Road approximately 990 feet to its intersection with the property boundary line, then northwesterly approximately 125 feet, and then southwesterly approximately 937 feet to the northeast corner of the property boundary line of parcel 006 as shown on tax map 6-017; thence with said parcel southwesterly approximately 194 feet, then northwesterly approximately 35 feet, then southwesterly approximately 40 feet, then southeasterly approximately 40 feet, then southwesterly approximately 980 feet, then southeasterly approximately 1,193 feet, then southwesterly approximately 676 feet, then northwesterly approximately 822 feet, and then northwesterly approximately 770 feet to the intersection of the southern property boundary line with the eastern property boundary line of parcel 002B as shown on tax map 6-017; thence with said parcel southerly approximately 30 feet, and then northeasterly approximately 1537 feet to the intersection of the southern property boundary line with the eastern property boundary line of parcel 001 as shown on tax map 6-017; thence with said parcel southwesterly approximately 167 feet, and then northwesterly approximately 571 feet to the intersection of the southern property line with the southeastern boundary of Potter Road (SR1162); thence southwesterly with the southeastern boundary of Potter Road approximately 2,080 feet to its intersection with the southerly extension of the western property boundary line of parcel 019J as shown on tax map 5-006; thence northerly with said property boundary line approximately 637 feet to its intersection with the southern property boundary line of parcel 015 as shown on tax map 5-006; thence westerly with said property boundary line approximately 390 feet to its intersection with the southeastern corner of parcel 001A as shown on tax map 5-003; thence with said parcel westerly approximately 717 feet, then westerly approximately 1591 feet, then westerly approximately 197 feet, then northwesterly approximately 360 feet, then northwesterly approximately 714 feet, then northwesterly approximately 337 feet, and then northerly approximately 300 feet to the intersection of the property boundary line with the northernmost corner of parcel 009G as shown on tax map 5-006; thence with said parcel southwesterly approximately 462 feet, then westerly approximately 530 feet, and then westerly approximately 246 feet to the intersection of the property boundary line with the eastern property boundary line of parcel 053 as shown on tax map 5-033; thence

southerly with said property boundary line approximately 1,000 feet to the intersection of its southern extension with the centerline of Western Union School Road (SR1143); thence from the intersection of the centerline of Western Union Road with the northern extension of the western property boundary line of parcel 010 as shown on tax map 5-006 southerly with said property boundary line approximately 590 feet to its intersection with the northwest corner of the property boundary line of parcel 011 as shown on tax map 5-006; thence southerly with said property boundary line approximately 208 feet to the its intersection with the northeast corner of the property boundary line of parcel 188 as shown on tax map 5-033; thence with said parcel westerly approximately 2,090 feet, and then northerly approximately 2,345 feet to the intersection of the property boundary line with the southern boundary of Western Union School Road; thence with the southern boundary of Western Union School Road in a northwesterly direction approximately 960 feet to the point and place of BEGINNING.

EXCEPTED and EXCLUDED from the above described corporate boundary is all of that tract of land consisting of parcel 001 as shown on tax map 6-036, comprising 37.160 acres, and more commonly known as the **Pleasant Grove Campground.**

CHAPTER III.
GOVERNING BODY.

Section 3-1. Structure of Governing Body; Number of Members. The governing body of the Town of **Mineral Springs** is the Town Council, which has six members and the Mayor.

Section 3-2. Temporary Officers. Until the initial election in 1999 provided for by Section 4-1 of this charter, Frederick Becker III is hereby appointed Mayor, and William Henry Blythe, Jr., Gerald Countryman, Lundeen Cureton, Thomas Kalin, Alice Mabe, and Peggy Neill are hereby appointed members of the Town Council, and they shall possess and may exercise the powers granted to the Mayor and Town Council until their successors are elected or appointed and qualify pursuant to this Charter.

Section 3-3. Manner of electing Town Council; Term of Office. The qualified voters of the entire Town shall elect the members of the Town Council. Except as provided by this section, members are elected to a four-year term of office. In 1999, the three candidates receiving the highest numbers of votes are elected to four-year terms, and the three candidates receiving the next highest number of votes are elected to two-year terms. In 2001 and each two years thereafter, three members are elected to four-year terms.

Section 3-4. Manner of Electing Mayor; Term of Office. The qualified voters of the entire Town shall elect the Mayor. The Mayor shall be elected in 1999 and each two years thereafter for a two-year term.

CHAPTER IV.
ELECTIONS.

Section 4-1. Conduct of Town Elections. Town officers shall be elected on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

CHAPTER V.
ADMINISTRATION.

Section 5-1. Town to Operate Under Mayor-Council Plan. The Town of **Mineral Springs** operates under the Mayor-Council plan as provided in part 3 of Article 7 of Chapter 160A of the General Statutes.

Section 5-2. Budget Ordinance; Municipal Taxes. From and after the effective date of this act, the citizens and property in the Town of **Mineral Springs** shall be subject to municipal taxes levied for the year beginning July 1, 1999, and for that purpose the Town shall obtain from Union County a record of property in the area herein incorporated which was listed for property taxes as of January 1, 1999. The Town may adopt a budget ordinance for fiscal year 1999-2000 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 1999-2000, *ad valorem* taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 1999. If this act is ratified before July 1, 1999, the Town may adopt a budget ordinance for fiscal year 1998-1999 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical, but no *ad valorem* taxes may be levied for the 1998-1999 fiscal year.

CHAPTER VI.
EFFECTIVE DATE.

Section 6-1. Effective Date. This act shall be effective on the date of ratification.

PROPOSED TOWN OF MINERAL SPRINGS
STATEMENT OF STATISTICS
OCTOBER 1, 1998

I. POPULATION

Population estimates were made by first conducting a field survey to determine the number of dwellings. Factors used in the computation were:

Average number of persons/household	2.82
(1994 US Census Bureau data for Union County)	
Average percentage of children under 18 years old	24.3%
(1992 US Census Bureau data for North Carolina)	

Table 1. Population Characteristics

Category	Number	Percent
Total Number of Dwellings	632	100.00
Total Population (Calculated)	**1,782**	**100.00**
Persons Under 18 Years Old	433	24.30
Persons 18 Years Old and Above	1,349	75.70

II. AREA AND LAND USE; LEVEL OF DEVELOPMENT

Total area contained within the proposed corporate boundaries was determined by planimeter from a composite tax map. Areas by category were calculated from parcel size information contained in the Union County tax records. Land uses were determined by analyzing assessment value relative to lot size as well as field surveys of selected parcels and, in some cases, interviews with property owners. The following categories and subcategories were considered:

DEVELOPED: The following land uses were considered within the category of "developed":

Residential: A parcel was considered "developed/residential" if one or more dwelling units, either occupied or suitable for occupancy, were situated on the parcel. Large homesites with wooded areas, fields, or other open areas and homesites consisting of two or more adjoining lots were placed in this category, as long as the land use was not primarily agricultural.

Commercial/Institutional: This category includes retail, manufacturing, service, storage, and other traditional commercial and business uses, along with churches and non-residential church facilities, schools, camps, and government buildings.

Recreational: Specific parcels in this category are the Stonebridge Golf Course (09-417-001B), the Charlotte Steeplechase facility (05-003-001A), a small private park (06-018-126A & 127), and a horse training and practice facility (06-018-136).

Dedicated Open Space: The only parcels in this category are owned by the NC Chapter of The Nature Conservancy, comprising the "Mineral Springs Barrens", which is a Piedmont Prairie restoration project and endangered species habitat.

Rights-of-way: This category consists of rail right-of-way and *public* (NCDOT) highway right-of-way.

UNDEVELOPED: Large vacant parcels, forested parcels, and parcels of any size where agricultural use was predominant were considered "undeveloped".

UNDETERMINED: Parcels in this category are unimproved, although they are usually located within platted and developed subdivisions, are served by roads and public utilities, and are expected to be built upon within a reasonable time.

Table 2. Land Use Characteristics

Category	Acreage	Percent
Total Land Area	5323.19	100.00
Total Developed	**2848.12**	**53.50**
Residential	1856.50	34.88
Commercial/Institutional	204.18	3.84
Recreational	527.07	9.90
Special Open Space	60.37	1.13
Right-of-Way	200.00	3.76
Total Undeveloped	**1992.98**	**37.44**
Total Undetermined	**482.09**	**9.06**

III. POPULATION DENSITY

The population density for the town of Mineral Springs is determined, based on a population of 1,782 and an area of 5,323.19 acres (8.32 square miles) to be:

0.33 persons/acre

214 persons/square mile

IV. ASSESSED VALUATION

Tax assessment information dated 1/1/98 was obtained from the Union County Tax Assessor's office. Total assessed valuation for the Town of Mineral Springs is:

$63,892,112.00

PROPOSED TOWN OF MINERAL SPRINGS
STATEMENT OF SERVICES

Since many of the essential core services are provided through the County system, Mineral Springs plans to limit additional services. An overwhelming majority of the residents of this community are satisfied with the existing level of services, and have expressed the desire to keep property taxes low by not providing additional municipal services.

Soon after incorporation, attention will be devoted to establishing a **Planning Board** to begin the process of developing our own zoning ordinances. This is in response to citizen concerns over the pace of development in the area with its effects on traffic, infrastructure demands, and other quality-of-life issues. Other items which need to be considered are a downtown business district plan and a Highway 75 corridor plan.

Additional municipal services will only be implemented in response to citizen interest, when and if revenue and budget considerations permit.

UNION COUNTY BOARD OF ELECTIONS
P.O. BOX 1106
MONROE, NORTH CAROLINA 28111

OBBY H. GRIFFIN
HAIRMAN
ETTY G. COUICK
ECRETARY
OIS A. BREWER
EMBER

OLD UNION COUNTY COURT HOUSE
2ND FLOOR, SUITE 2H2
TELEPHONE (704) 283-3809

SHIRLEY SECREST TINSLEY
DIRECTOR

October 26, 1998

Legislative Services Office
State Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925

Re: Proposed Incorporation of Mineral Springs

Gentlemen:

The Union County Board of Elections has reviewed the proposed area of incorporation and find that we estimate a total of 1,029 registered voters in the area. Of that number, 204 are black, 824 are white and 1 other.

Please do not hesitate to call if any additional information is needed.

Sincerely,

Shirley Tinsley

Shirley S. Tinsley

UNION COUNTY BOARD OF ELECTIONS
P.O. BOX 1106
MONROE, NORTH CAROLINA 28111

OBBY H. GRIFFIN
HAIRMAN
ETTY G. COUICK
ECRETARY
OIS A. BREWER
EMBER

OLD UNION COUNTY COURT HOUSE
2ND FLOOR, SUITE 2H2
TELEPHONE (704) 283-3809

SHIRLEY SECREST TINSLEY
DIRECTOR

STATE OF NORTH CAROLINA

COUNTY OF UNION

Before me, the undersigned, personally appeared Shirley S. Tinsley, who, being by me first duly sworn, on oath, deposes and says:

The Affiant is Director of Elections for Union County, N.C. and that the Affiant has checked the names listed on the petition received on October 26, 1998 of petitioners against the registration books of Union County, North Carolina and 550 names have been found by the Affiant to be registered voters in said county as of October 26, 1998; that the Affiant has placed a " red check" on the petition by the names of the persons who is a registered voter in said county.

Shirley S. Tinsley

Shirley S. Tinsley, Director

Sworn to and subscribed
before me this 22nd day of
October 1998.

Notary Public

My commission expires: 4.20.02

OFFICE OF THE COMMISSIONERS AND MANAGER
P.O. Box 218 • Monroe, NC 28111-0218 • Phone (704) 283-3810 • Fax (704) 282-0121

RESOLUTION

WHEREAS, the Community of Mineral Springs has existed since the early 1800's; and

WHEREAS, a majority of the residents within this area are proud of the community's historic heritage and desire to preserve its identity; and

WHEREAS, residents of the Mineral Springs community have concluded that the best, and perhaps the only, way to preserve its heritage and to ensure the orderliness of the growth in this area is to create a municipality with the powers as set forth in the General Statutes of the State of North Carolina to be known as the Town of Mineral Springs.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners supports the efforts of the majority of the population of Mineral Springs to incorporate an area consisting of 8.32 square miles to become the Town of Mineral Springs.

Adopted this 19th day of October, 1998.

Leroy J. Pittman, III, Chairman
Union County Board of Commissioners

Attest:

Barbara W. Moore, CMC, County Clerk
Union County Board of Commissioners

RESOLUTION

SUPPORTING THE INCORPORATION OF THE TOWN OF MINERAL SPRINGS

THAT WHEREAS, the Town of Mineral Springs has submitted to the State a petition for incorporation; and

WHEREAS, the Village of Marvin is located within the limits of proximity to Mineral Springs as to require its approval of said incorporation as required by NCGS 120-166; and,

WHEREAS, the Village of Marvin wishes to express its approval of said incorporation.

NOW, THEREFORE BE IT RESOLVED THAT the Village of Marvin expresses its approval of the incorporation of Mineral Springs.

Adopted this 13th day of October, 1998.

William D. Broughton
Mayor

ATTEST:

Clerk

VILLAGE OF MARVIN
SEAL
N. C.

RESOLUTION

SUPPORT FOR MINERAL SPRINGS INCORPORATION

R-1998-____

WHEREAS, Mineral Springs has submitted to the State of North Carolina a petition for incorporation as an independent municipality existing in Union County, North Carolina, governed under the law of the State of North Carolina; and,

WHEREAS, the Village of Wesley Chapel is located in Union County, North Carolina; and,

WHEREAS, the Village of Wesley Chapel wishes to express its approval of the incorporation of Mineral Springs as a municipality within the limits of Union County, North Carolina.

NOW, THEREFORE, BE IT RESOLVED THAT the Village of Wesley Chapel expresses its approval of the petition for the incorporation of Mineral Springs.

Adopted this the 12th day of October, 1998.

Al Black, Mayor
Village of Wesley Chapel

Attest:

Shirley S. Hafey
Village Clerk

R-1998-___

TOWN OF WEDDINGTON
WEDDINGTON, NC, UNION COUNTY

RESOLUTION

THAT WHEREAS, the Town of Mineral Springs has submitted to the State a petition for incorporation; and

WHEREAS, the Town of Weddington is not located within the proposed municipal limits of proximity to Mineral Springs as to require its approval of said incorporation as required by NCGS 120-166; and,

WHEREAS, the Town of Weddington wishes to express its approval of said incorporation.

NOW, THEREFORE, BE IT RESOLVED THAT the Town of Weddington expresses its approval of the incorporation of Mineral Springs.

Adopted this 9th day of November 1998.

Edward S. Howie, Mayor

Attest:

Vicki Davis, Town Clerk

NORTH CAROLINA,
UNION COUNTY.

AFFIDAVIT OF PUBLICATION

NOTICE
Notice is hereby given that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Town of Mineral Springs.
October 20, 25, 27, 1998.

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths,

personally appeared Marvin Enderle

who being first duly sworn, deposes and says: that he is

Publisher engaged in the publication of a newspaper known as The Enquirer-Journal, published, issued, and entered as second class mail in the City of Monroe in said County and State; that he is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The Enquirer-Journal on the following dates:

October 20, 25, 27 1998

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 27 day of Oct 19 98

Marvin Enderle

Sworn to and subscribed before me, this 27 day of Oct 19 98

Beth P. Clark Notary Public

My Commission expires: May 11, 2003

Notice. Petition - Incorporation of the Town of Mineral Springs

Inches: 1"

MONROE, N.C. October 27 19 98

Citizens for Mineral Springs

ACCOUNT #: 04100506

Frederick Buckw III

COST: $ 25.55

P.O. Box 671
Mineral Springs, NC 28108

—IN ACCOUNT WITH—

The Enquirer-Journal

P.O. Box 5040
500 W. Jefferson St.
Monroe, N.C. 28111-5040

Important Legal Document, Please Retain

Citizens for Mineral Springs

PO Box 671 ▫ Mineral Springs, NC ▫ 28108

October 20, 1998

Mr. Leroy Pittman, Chairman
Union County Board of Commissioners
PO Box 218
Monroe, NC 28111-0218

Dear Mr. Pittman:

This letter is to inform the Union County Board of Commissioners that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations requesting the incorporation of the Town of Mineral Springs by the North Carolina General Assembly.

Sincerely,

Frederick Becker III
Citizens for Mineral Springs

copy: County Clerk

Citizens for Mineral Springs

PO Box 671 ▫ Mineral Springs, NC ▫ 28108

October 20, 1998

The Honorable Larry Helms
Mayor of Indian Trail
PO Box 172
Indian Trail, NC 28079

Dear Mayor Helms:

This letter is to inform the Town of Indian Trail that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations requesting the incorporation of the Town of Mineral Springs by the North Carolina General Assembly.

Sincerely,

Frederick Becker III
Citizens for Mineral Springs

copy: Town Clerk

Citizens for Mineral Springs

PO Box 671 ▫ Mineral Springs, NC ▫ 28108

October 20, 1998

The Honorable Jeffrey Browning
Mayor of Lake Park
PO Box 219
Indian Trail, NC 28079

Dear Mayor Browning:

This letter is to inform the Village of Lake Park that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations requesting the incorporation of the Town of Mineral Springs by the North Carolina General Assembly.

Sincerely,

Frederick Becker III
Citizens for Mineral Springs

copy: Village Clerk

Citizens for Mineral Springs

PO Box 671 ▫ Mineral Springs, NC ▫ 28108

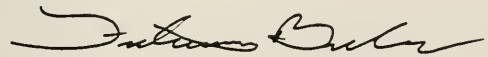
October 20, 1998

The Honorable Virginia Morgan
Mayor of Marshville
201 North Elm Street
Marshville, NC 28103

Dear Mayor Morgan:

This letter is to inform the Town of Marshville that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations requesting the incorporation of the Town of Mineral Springs by the North Carolina General Assembly.

Sincerely,



Frederick Becker III
Citizens for Mineral Springs

copy: Town Clerk

Citizens for Mineral Springs

PO Box 671 ▫ Mineral Springs, NC ▫ 28108

October 20, 1998

The Honorable William Baughman
Mayor of Marvin
524 Pacer Lane
Waxhaw, NC 28173

Dear Mayor Baughman:

This letter is to inform the Village of Marvin that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations requesting the incorporation of the Town of Mineral Springs by the North Carolina General Assembly.

Sincerely,

Frederick Becker III
Citizens for Mineral Springs

copy: Village Clerk

Citizens for Mineral Springs

PO Box 671 ▫ Mineral Springs, NC ▫ 28108

October 20, 1998

The Honorable Judy Davis
Mayor of Monroe
PO Box 3157
Monroe, NC 28111

Dear Mayor Davis:

This letter is to inform the City of Monroe that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations requesting the incorporation of the Town of Mineral Springs by the North Carolina General Assembly.

Sincerely,

Frederick Becker III
Citizens for Mineral Springs

copy: City Clerk

Citizens for Mineral Springs

PO Box 671 ▫ Mineral Springs, NC ▫ 28108

October 20, 1998

The Honorable Lucy Drake
Mayor of Stallings
PO Box 4000
Stallings, NC 28106-4000

Dear Mayor Drake:

This letter is to inform the Town of Stallings that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations requesting the incorporation of the Town of Mineral Springs by the North Carolina General Assembly.

Sincerely,

Frederick Becker III
Citizens for Mineral Springs

copy: Town Clerk

Citizens for Mineral Springs

PO Box 671 ▫ Mineral Springs, NC ▫ 28108

October 20, 1998

The Honorable Jack Hemby
Mayor of Waxhaw
Waxhaw Town Hall
317 North Broome Street
Waxhaw, NC 28173

Dear Mayor Hemby:

This letter is to inform the Town of Waxhaw that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations requesting the incorporation of the Town of Mineral Springs by the North Carolina General Assembly.

Sincerely,

Frederick Becker III
Citizens for Mineral Springs

copy: Town Clerk

Citizens for Mineral Springs

PO Box 671 ▫ Mineral Springs, NC ▫ 28108

October 20, 1998

The Honorable Ed Howie
Mayor of Weddington
PO Box 37
Weddington, NC 28173

Dear Mayor Howie:

This letter is to inform the Town of Weddington that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations requesting the incorporation of the Town of Mineral Springs by the North Carolina General Assembly.

Sincerely,

Frederick Becker III
Citizens for Mineral Springs

copy: Town Clerk

Citizens for Mineral Springs

PO Box 671 ▫ Mineral Springs, NC ▫ 28108

October 20, 1998

The Honorable Albert W. Black
Mayor of Wesley Chapel
309 Hugh Crocker Drive
Matthews, NC 28105

Dear Mayor Black:

This letter is to inform the Village of Wesley Chapel that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations requesting the incorporation of the Town of Mineral Springs by the North Carolina General Assembly.

Sincerely,

Frederick Becker III
Citizens for Mineral Springs

copy: Village Clerk

Citizens for Mineral Springs

PO Box 671 ▫ Mineral Springs, NC ▫ 28108

October 20, 1998

The Honorable Tony Maye
Mayor of Wingate
3917 US Highway 74 East
Wingate, NC 28174

Dear Mayor Maye:

This letter is to inform the Town of Wingate that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations requesting the incorporation of the Town of Mineral Springs by the North Carolina General Assembly.

Sincerely,

Frederick Becker III
Citizens for Mineral Springs

copy: Town Clerk

Assessment of Petition by Mineral Springs for Incorporation

Relative to NC G.S. 120-166.

North Carolina Department of Commerce
Division of Community Assistance

Division of Community Assistance staff has reviewed the petition for incorporation from Mineral Springs as it relates to NC G.S. 120-166. That section of the General Statute refers to the nearness of the proposed new 'Town of Mineral Springs' to other municipalities. Part (a) of that section sets criteria based on the nearness of the proposed new town to existing municipalities and their respective populations. Note that the General Statute requires that the population values be in accordance with the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. These relationships are presented in the following table.

Critical Distance	Population of Neighboring Municipality
1 mile	5,000 to 9,999
3 miles	10,000 to 24,999
4 miles	25,000 to 49,000
5 miles	50,000 and over

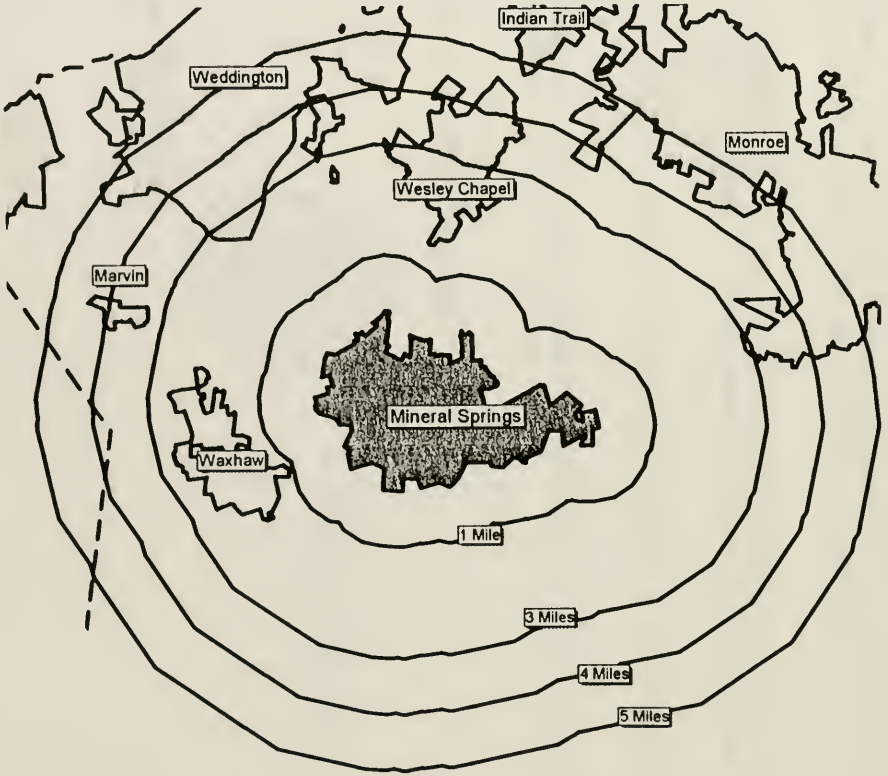
There are no municipalities within one (1) mile of the proposed new town that have a 1990 Census population of at least 5,000. The City of Monroe (1990 Census population 16,127), the Town of Weddington (1990 Census population 3,803) and the Town of Waxhaw (1990 Census population 1,297) are within three (3) miles of the proposed new town. Monroe has a 1990 Census population of at least 10,000. There are no municipalities within four (4) miles that meet the 25,000 threshold and no municipalities that are within five (5) miles of the proposed new town that meet the 50,000 threshold.

The proposed new Town of Mineral Springs is not entirely on an island so Subsection (b)(1) does not apply. The petition presented no evidence of any major rivers or natural barriers that separates Mineral Springs from the City of Monroe. Therefore, Subsection (b)(2) does not apply. Finally, the petition indicated no evidence that Subsection (b)(4) applies (a petition for annexation to nearby city that was not approved).

According to NC G.S. 120-166., the Commission is precluded from making a positive recommendation unless the City of Monroe (in accordance with NC G.S. 120-166.(b)(3)) expresses its approval of the incorporation by resolution.

Please note that Union County failed to provide DCA with complete parcel data relative to the Mineral Springs area. Without a complete parcel coverage DCA was not able to critique the metes and bounds description that was presented in the petition. Therefore, the boundary map that was presented in the petition for incorporation was used to prepare this assessment.

Information sources: The foregoing assessment was based on information contained in the petition, GIS data provided by Union County and the most recently updated DOT GIS



Mineral Springs Area
Union County
Municipal Incorporation Study
Phase 1

Legend

- Mineral Springs Area
- City Limits
- County Boundary

2.5 0 2.5 Miles

North Carolina Department of Commerce
Division of Community Assistance

Map prepared 01-19-99

CITY OF MONROE
RESOLUTION
R-1998-85

THAT WHEREAS, Citizens for Mineral Springs has completed a signature gathering drive in preparation for submitting a Petition for Incorporation of the Town of Mineral Springs to the North Carolina Joint Legislative Commission on Municipal Incorporations; and

WHEREAS, the City of Monroe is located within the limits of proximity to Mineral Springs as to require its approval of said incorporation as required by NCGS 120-166; and,

WHEREAS, the City of Monroe wishes to express its approval of said incorporation.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Monroe expresses its approval of the incorporation of Mineral Springs.

Adopted this 3rd day of November, 1998.

Judy L. Davis, Mayor

Attest:

Jeanne M. Deese, City Clerk

R-1998-85

Assessment of Petition
by
Mineral Springs
(Union County)
for
Incorporation

Relative to NC G.S. 120-167.
through NC G.S. 120-170.

North Carolina Department of Commerce
Division of Community Assistance

Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of Mineral Springs relative to NC G.S. 120-167. through G.S. 120-170. The following discussion addresses each of these sections of the General Statutes.

NC G.S. 120-167. Additional criteria; population.

NC G.S. 120-167 refers to population and requires that the permanent population must be at least 100. The petition indicates an estimated population of 1,782, which is well in excess of the minimum requirement. The Division of Community Assistance (DCA) performed a land use survey of the subject area. That survey identified 636 dwelling units in the subject area. The 1990 US Census Bureau data indicates an average of 2.82 persons per household and an occupancy rate of 95 percent. This suggests that 1,704 persons are likely to reside in those 636 dwellings. A population of 1,782 (as indicated in the petition) is certainly a reasonable estimate for the area in question. It appears that NC G.S. 120-167. is satisfied.

NC G.S. 120-168. Additional criteria; development.

NC G.S. 120-168. refers to development and requires that at least 40 percent of the area must be "developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.(1985 (Reg. Sess., 1986), c. 1003, s. 1.)".

DCA used a land use survey combined with an analysis of assessment value relative to lot size to determine the degree of development. The survey considered parcels as "developed" if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. The assessment used a residential density minimum of 1 unit per 5 acres as developed for residential purposes.[1] Vacant parcels, forested parcels, or parcels where agricultural use was predominant were considered "undeveloped". For large tracts that were only partially occupied by for commercial, industrial, institutional, or governmental uses the area estimated to be occupied by such uses was considered as developed.

DCA communications with Union County's Planning Department identified no parcels in the subject area that were currently dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants. Nor was there such evidence or claims presented in the petition. However, there were several parcels that were listed in the County's tax records as belonging to The Nature Conservancy. Those properties were considered to be "dedicated open spaces".

DCA's analysis indicated that 24 percent of the subject area is developed (see Table Exhibit 1). It appears that NC G.S. 120-168. is not satisfied.

[1] Reference NC G.S. 160A-41.(2)

Table Exhibit 1:
Development Relative to NC G.S. 120-168.

Land Use	Acres
Commercial	233
Industrial	150
Institutional/Govemmental	104
Residential	645
Parks and Open Space	60
Undeveloped	3,822
Total	5,013
Total Developed Acreage	1,191
% Developed	24%

NC G.S. 120-169. Additional criteria; area unincorporated.

NC G.S. 120-169. requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Town of Mineral Springs with the most recently updated NC DOT geographic information system (GIS) data that was provided by NC CGIA and found no evidence that any of the subject area is part of any incorporated municipality. It appears that NC G.S. 120-169. is satisfied.

NC G.S. 120-170. Findings as to services.

NC G.S. 120-170 requires that the proposed municipality can provide, at a reasonable tax rate, the services requested by the petition and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. To help quantify this requirement DCA considered the gross assessment value of the proposed municipality as its tax base.[2] DCA compared the property tax rates, property assessment values, and property tax revenues of ten municipalities that have a population size similar to that of the proposed Town of Mineral Springs.

For fiscal year 1997-98 the average property tax rate and revenue for the comparison communities were $0.50/$100 assessment and $300,313, respectively. In order for the proposed Town of mineral Springs to generate similar revenues it would have to levy a property tax rate of $0.45/$100 assessment (assuming a total assessment of $68,516,700 and a collection rate of 97 percent).

[2] Please note that due to the large proportion of "undeveloped" land (agriculture, forestry etc.), the tax base may be significantly lower than the total of the assessments listed in the tax records. Time constraints made it impractical to perform an analysis of present-use exemptions from the tax base.

Table Exhibit 2:
Property Tax Rate and Revenues Comparison

Municipality	Population	Tax Rate/$100 FY1997-98	Property Tax Revenue
Biscoe	1,606	0.42	$331,489
Jonesville	1,614	0.60	$348,480
Mars Hill	1,619	0.50	$228,175
Murphy	1,621	0.51	$449,915
Coats	1,649	0.69	$246,479
Kenly	1,703	0.50	$328,407
Rockwell	1,707	0.32	$243,976
Green Level	1,711	0.25	$81,198
Elm City	1,753	0.63	$245,387
Tryon	1,785	0.58	$499,622
	Average Tax Rate $0.50/$100		
	Average Property Tax Revenue $300,313		

The petition indicated that the proposed town does not plan to provide any services that are not already provided by the County or other local agency. However, the petition did not indicate what arrangements the proposed town was planning to make for continuing such services. Nor was there a proposed budget listing estimated expenditures in regard to providing services. DCA communications with the petitioners indicated that the petitioners expected the county to, without extra costs to the proposed municipality, continue providing the current level of service to the subject area even after incorporation. Nonetheless, it is most likely that the community could provide such services at a reasonable tax rate. It appears that NC G.S. 120-170. is satisfied.

Conclusion

Based on the forgoing, it appears that the proposed Town of Mineral Springs satisfies the North Carolina General Statutes 120-167, 120-169 and 120-170. However, it does not appear to satisfy NC G.S. 120-168. Additional criteria; development. **Accordingly, If the Commission finds that it does not satisfy NC G.S. 120-168, the Commission may not make a positive recommendation on the incorporation of the proposed Town of Mineral Springs.**

Information sources:

Petition for Incorporation of the Town of Mineral Springs
1990 US Census Summary Table 1A (referenced 03/01/1999)
http://www.census.gov/cgi-bin/datamap/cnty?37=179
Union County Tax Assessors Office, Tax Maps and 1998 Assessment Data.
North Carolina League of Municipalities (referenced 03/01/1999)
http://ncinfo.iog.unc.edu/NCLM/General/Reports/reports.html
North Carolina Office of State Treasurer (referenced 03/01/1999)
http://www.treasurer.state.nc.us/frlgc.htmf
NC DOT GIS Data Layers, Distributed by NC CGIA (1998)

TOWN OF MINERAL SPRINGS
Proposed Incorporation

Map 3